

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	Case No. 4:95-cr-33
)	
vs.)	
)	
Cecil L. Wallis,)	ORDER DISMISSING
)	SUCCESSIVE MOTION
Defendant.)	

Before the Court is a motion by the defendant entitled “Petition for Remission and/or Adjourn Remainder of Judgment and Conviction for Relocation.” The motion is filed pro se, provides no legal authority upon which it is based, and is generally incomprehensible. All the Court has been able to discern from the motion is that Wallis apparently wants the balance of his sentence commuted and to be transferred to a halfway house. As Wallis is requesting he be released, the Court will treat the motion as one made pursuant to 28 U.S.C. § 2255.

Wallis pled guilty, pursuant to a written plea agreement, to one count of possession of firearms by a person who has three or more previous felony convictions on January 29, 1996. He was sentenced to 180 months imprisonment on May 31, 1996. Wallis appealed. On November 15, 1996, the Eighth Circuit Court of Appeals affirmed the conviction and sentence. United States v. Wallis, 100 F.3d 960 (8th Cir. 1996). A motion pursuant to 28 U.S.C. § 2255 was filed by Wallis on September 19, 1997. The Court denied the motion on November 24, 1997. Wallis appealed. The Eighth Circuit Court of Appeals dismissed the appeal for lack of jurisdiction. Another section 2255 motion was filed January 24, 2006. This Court dismissed that motion as being successive on February 3, 2006. The current motion was filed March 20,

2006. Wallis is currently serving his sentence at the Federal Correctional Institution in Waseca, Minnesota.

The Court has reviewed the motion as required by Rule 4(b) of the Rules Governing Section 2255 Proceedings. The motion is clearly a successive Section 2255 motion.¹ Before a second or successive section 2255 motion may be filed in the district court the applicant must move the appropriate court of appeals for an order authorizing the district court to consider the second or successive section 2255 motion. 28 U.S.C. §§ 2244(3)(A) and 2255. It does not appear from Wallis's submission that he has complied with this requirement and for this reason the matter must be dismissed.

Accordingly, Wallis's section 2255 motion (Docket No. 84) is hereby **DISMISSED**.

IT IS SO ORDERED.

Dated this 22nd day of March, 2006.

/s/ Patrick A. Conmy
Patrick A. Conmy, Senior District Judge
United States District Court

¹The motion is also very likely untimely as motions pursuant to 28 U.S.C. § 2255 are generally subject to a one-year statute of limitations. The Court notes that it may not modify terms of imprisonment once imposed except in very limited circumstances. See 18 U.S.C. § 3582(c). The Court also notes that the place of imprisonment is exclusively the province of the Bureau of Prisoners. See 18 U.S.C. § 3621(b).